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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MARION JONES,

Plaintiff,

vs.

VICTOR CONTE,

Defendant.

Case No. C 04 5312 SI

**SECOND STIPULATION AND**  
**[PROPOSED] ORDER TO CONTINUE**  
**CASE MANAGEMENT CONFERENCE**

[Civ. L.R. 16-2(e)]

Pursuant to Civil Local Rules 16-2(e) and 7-12(b), the parties, by and through their counsel of record, jointly request the Court to continue the Case Management Conference (“CMC”) presently scheduled for Friday, December 9, 2005, by at least forty-five (45) days to January 27, 2006, or to such other date available on the Court’s calendar in January or February 2006.

The Court previous previously granted the parties’ stipulated request a thirty (30) day extension for the purposes allowing an opportunity to engage in a resolution of the action. Prior to that request, there was one continuance of the CMC on the Court’s own motion. (Docket No. 40.)

The parties diligently and in good faith have engaged in such discussions over the course of the last month or so. Although a mutually acceptable agreement has not yet been reached, the parties have made progress. As such, the parties jointly and respectfully request the Court to continue the CMC until late January 2006 or early February 2006 to allow them to continue their settlement discussions. This request takes into account the intervening holidays and their impact on the scheduling of their discussions. Such a continuance will conserve the parties’ resources and promote judicial economy.

IT IS SO STIPULATED.

DATED: December 5, 2005

**HUGHES & LUCE, LLP**

By /s/  
Beth W. Bivans  
Attorneys for Plaintiff  
MARION JONES

DATED: December 5, 2005

**KERR & WAGSTAFFE LLP**

By /s/  
JAMES M. WAGSTAFFE  
Attorneys for Defendant  
VICTOR CONTE

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Case Management Conference previously scheduled for Friday, December 9,  
February 3, 2006  
2005 at 2:00 p.m. is CONTINUED to Friday, \_\_\_\_\_, 2006, at 2:00 p.m.

Date:

SUSAN ILLSTON  
United States District Judge



NO FURTHER EXTENSION WILL BE GRANTED